

JAMES POWERS, et al. )  
 )  
v. ) NO. 3-11-1209  
 ) JUDGE CAMPBELL  
COTTRELL, INC., et al. )

Pending before the Court is Defendant Cottrell's Motion to Stay Case Pending Determination of MDL Motion (Docket No. 10). Defendant's Motion to Stay is DENIED as moot. The parties have filed an Order Denying Transfer (Docket No. 33), indicating that the Judicial Panel on Multidistrict Litigation has denied the motion to consolidate this and other related cases into one court.

The Order Denying Transfer indicates that there are currently eleven similar cases pending against Defendant Cottrell in various U.S. District Courts around the country. Defendant has represented that the preemption issue, upon which its removal of this action to this Court is based, is common to all these actions. Defendant has also stated that the preemption issue has been fully briefed and is ready for decision in at least two of the other cases.

The parties shall promptly notify this Court when any other court enters an Order concerning the preemption issue in these cases.

Todd Campbell  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE